IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 249 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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BANKIM CO-OPERATIVE HOUSING SOCIETY LTD.

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 249 of 1990

MR KS JHAVERI for Petitioner No. 1

Ms.Harsha Devani, AGP for Respondent No. 1-2

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 02/07/2002

ORAL JUDGEMENT

The present petition is preferred by the petitioner for appropriate direction to the respondent authority to file criminal complaint against the respondent No.2 for producing false documentary evidence before the competent authority and it is also prayed that the respondent No.1 may be directed to supply the

certified copy of the application and documents along with the application dated 6.11.1989.

2. Mr.Zaveri submitted that the petitioners are not pressing the direction for filing criminal complaint against the respondent No.2 and the petitioners are only pressing for direction against the respondent No.1 to supply the certified copy of the application and the documents produced along with the application, dated 6.11.1989.

3. Having heard Mr.Zaveri and Ms.Devani, Ld.AGP for the respondent authorities, it is apparent that when any document is produced before the proceedings of the State Govt in revisional jurisdiction either party is entitled to the certified copy on payment of charges. However, Ms.Devani submitted that from the perusal of the order dated 16.11.1989 it appears that the application for producing the document was not accepted and therefore it is not clear as to whether these documents are forming part of the record of the State Govt or not.

4. Be that as it may, the fact remains that the petitioners would be entitled to certified copy of the documents which are produced by the other party.

5. Considering overall facts and circumstances of the case, I am of the view that the following directions would meet with the ends of justice:

(a) The petitioner shall make an application to the respondent authority for supply of certified copies of documents produced together with the application dated 6.11.1989 and shall also satisfy the authority that these documents form part of the record of the State Govt.

(b) If such an application is made and it is found by the State Govt that these documents are forming part of the proceedings, the petitioner shall be supplied the certified copy of documents as prayed for in the application on payment of necessary charges for supplying certified copies.

6. Petition is allowed to the aforesaid extent. Rule is made absolute accordingly. There shall be no order as to costs.

2.7.02 (JAYANT PATEL,J)